

REMARKS

I. STATUS OF CLAIMS

Claim 27 is currently pending and is amended by this Reply. Support for the amendment to claim 27 can be found in the specification at least on pages 4-8 and exemplified in composition I, e.g., polydimethyl/methylsiloxane, on page 37 of the English text of the application. Support can also be found in original claims 4, 8, and previously pending claims 76-80. Accordingly, no new matter is added by this amendment.

II. REJECTION UNDER 35 U.S.C. § 103

The Office made final the rejection of claim 27 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,106,808 to Bhatt et al. ("Bhatt") in view of U.S. Patent No. 5,683,681 to Ramin et al. ("Ramin"). Office Action at pages 2-4. Although Applicant disagrees with this rejection for the reasons on the record, Applicant amended claim 27 in order to advance prosecution. Applicant further disagrees with this rejection for the following additional reasons.

With respect to the teachings of Bhatt (the primary reference relied upon for teaching a polycondensate), this reference does not teach or suggest a polyurethane resin incorporated into a hair spray composition that is derived from a reaction product of silicone. Bhatt at Col. 7, line 23 - Col. 11, line 35. The only instance Bhatt mentions "silicone" is within the context of conventional adjuvants, which may be added to the composition at Col. 14, ll. 17-25. This disclosure, however, does not translate into the formation of the polyurethane. As such, Bhatt fails to teach or suggest all the claim

limitations of amended claim 27. Ramin does not remedy this deficiency. Rather, the Office relies on Ramin for its alleged teaching that butyl esters of vinylmethylether/maleic anhydride copolymers are film forming polymers. In fact, Ramin is directed to "a cosmetic composition for application to the nails, which comprises an aqueous dispersion of at least one film-forming polymer." Ramin at Col. 1, ll. 4-6. Accordingly, a *prima facie* case of obviousness has not been established, and Applicant respectfully requests that the rejection be withdrawn.

III. CONCLUSION


In view of the foregoing amendments and remarks, Applicant submits that the cited references fail to render obvious this claimed invention. Applicant respectfully requests the Examiner's reconsideration of the application, and the timely allowance of the pending claim.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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